

AMENDED IN SENATE APRIL 18, 1996

SENATE BILL

No. 2003

Introduced by Senator Costa

February 23, 1996

An act to amend Section ~~14000.1~~ of 5150 of, and to add Sections 5150.5 and 5150.6 to, the Welfare and Institutions Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

SB 2003, as amended, Costa. ~~Medi-Cal: level of services~~
Mental health: patient transfers.

Existing law provides that when any person, as a result of mental disorder, is a danger to others, himself, or herself, or is gravely disabled, specified persons may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

This bill would establish procedures applicable to circumstances where an individual is taken into custody and presented for treatment at a facility not designated by a county and approved by the department, including those instances where a transfer to a designated facility is required.

~~Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.~~

~~Existing law states the intent of the Legislature that health care services available under the Medi-Cal program shall be at least equivalent to the level provided in 1970-71.~~

~~This bill would recast that statement of intent to state the intent of the Legislature that health care services available under the Medi-Cal program shall be at least equivalent to the level provided for in the Budget Act for the 1970-71 fiscal year.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 14000.1 of the Welfare and~~
2 *SECTION 1. Section 5150 of the Welfare and*
3 *Institutions Code is amended to read:*

4 5150. When any person, as a result of mental disorder,
5 is a danger to others, or to himself or herself, or gravely
6 disabled, a peace officer, member of the attending staff,
7 as defined by regulation, of an evaluation facility
8 designated by the county, designated members of a
9 mobile crisis team provided by Section 5651.7, or other
10 professional person designated by the county may, upon
11 probable cause, take, or cause to be taken, the person into
12 custody and place him or her in a facility designated by
13 the county and approved by the State Department of
14 Mental Health as a facility for 72-hour treatment and
15 evaluation.

16 ~~Such~~

17 *The* facility shall require an application in writing
18 stating the circumstances under which the person's
19 condition was called to the attention of the officer,
20 member of the attending staff, or professional person, and
21 stating that the officer, member of the attending staff, or
22 professional person has probable cause to believe that the
23 person is, as a result of mental disorder, a danger to others,
24 or to himself or herself, or gravely disabled. If the
25 probable cause is based on the statement of a person other
26 than the officer, member of the attending staff, or
27 professional person, ~~such~~ *the* person shall be liable in a

1 civil action for intentionally giving a statement which he
2 or she knows to be false.

3 *For the purposes of this chapter, a health care facility*
4 *shall be considered a designated facility only for those*
5 *classes of patients for which it has been licensed by the*
6 *State Department of Health Services.*

7 SEC. 2. Section 5150.5 is added to the Welfare and
8 Institutions Code, to read:

9 5150.5. A person subject to being placed in custody
10 under Section 5150 presented for treatment at a facility
11 not designated by the county and approved by the State
12 Department of Mental Health as a facility for 72-hour
13 treatment and evaluation and whose medical condition
14 does not preclude transfer, shall not be denied evaluation
15 at a designated facility. The transfer of such an individual
16 shall not be unreasonably delayed by a designated facility
17 and shall comply with all applicable state and federal laws
18 regarding transfer of patients between health care
19 facilities. In particular, Section 1317 of the Health and
20 Safety Code shall be followed when transferring patients
21 for noneconomic reasons. Additionally, the transfer shall
22 comply with any regulations developed by a county so
23 long as those regulations do not conflict with existing state
24 and federal law. The 72 hours provided for evaluation of
25 the individual shall start when he or she arrives at a
26 designated facility. Nonetheless, the individual shall be
27 considered to be in custody while awaiting transfer to the
28 designated facility, provided the time from placing him
29 or her into custody to the time of actual transfer does not
30 exceed eight hours.

31 A nondesignated facility and professional persons
32 acting in the capacity of a designated facility and
33 professional persons under this section shall be afforded
34 the same immunities and exemptions from liability as
35 afforded a designated facility and professionals at
36 designated facilities.

37 SEC. 3. Section 5150.6 is added to the Welfare and
38 Institutions Code, to read:

39 5150.6. A person who would otherwise be subject to
40 being placed in custody as provided by Section 5150, but

1 whose medical condition prevents transfer to a facility
2 designated by the county and approved by the State
3 Department of Mental Health as a facility for 72-hour
4 treatment and evaluation may, nonetheless, be detained
5 in a nondesignated facility until such time as his or her
6 medical condition improves to make the transfer
7 reasonably safe so as not to imperil the physical well-being
8 of that person. All other provisions of Section 5150 shall
9 apply to this section.

10 Should a detained person's condition require medical
11 treatment at a nondesignated facility, a psychiatrist on
12 staff at the nondesignated facility, a licensed clinical social
13 worker, or member of a mobile crisis team shall evaluate
14 the mental health of the detained person within 24 hours
15 of admission and provide such psychiatric treatment as
16 possible consistent with the medical condition of the
17 individual and the scope of practice of the mental health
18 professional.

19 If a nondesignated facility has no psychiatrist on staff,
20 then reasonable attempts shall be made to obtain the
21 consultation of a mobile crisis team as provided by Section
22 5651.7.

23 Should a detained person's medical condition require
24 treatment at a nondesignated facility for longer than 72
25 hours a hearing as provided in Section 5250 shall be held.

26 In addition to the information required to be given to
27 a person subject to this section by Section 5157, an
28 additional written statement as to why transfer to a
29 designated facility is either not appropriate or possible
30 shall be added to the form used to comply with Section
31 5157 requirements.

32 When the medical condition of a person subject to this
33 section improves so that transfer to a designated facility
34 can be accomplished safely, and a psychiatrist at the
35 nondesignated facility determines that further
36 evaluation is warranted, or that determination is made by
37 a mobile crisis team, then the transfer shall take place
38 consistent with Sections 5150 and 5150.5. Consistent with
39 Section 5150.5, the 72 hours provided for psychiatric

1 *evaluation and treatment start when the individual*
2 *arrives at a designated facility.*

3 *A nondesignated facility and professional persons*
4 *acting in the capacity of a designated facility and*
5 *professional persons under this section shall be afforded*
6 *the same immunities and exemptions from liability as*
7 *afforded a designated facility and professionals at*
8 *designated facilities.*

9 ~~Institutions Code is amended to read:~~

10 ~~14000.1. It is the intent of the Legislature that health~~
11 ~~care services available under this chapter shall be at least~~
12 ~~equivalent to the level provided for in the state Budget~~
13 ~~Act for the 1970-71 fiscal year.~~